



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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### MINUTES MAY 22, 2007

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The meeting was called to order by Chairman Jack Knapp at 7:30 PM.

Present were Theresa Buzaid, Ted Farah, Rob Melillo, Jack Knapp Jr. and Alternates Victoria Hickey and Patrick Johnston. Also present were Planning Director Dennis Elpern and Deputy Planning Director Sharon Calitro.

Absent were Anthony DiCaprio, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy and Donald Kennedy.

Chairman Knapp asked Ms. Hickey to take Mr. Kennedy's place and Mr. Johnston to take Mr. Haddad's place for the items on tonight's agenda.

Mr. Farah led the Commission in the Pledge of Allegiance.

Chairman Knapp announced that they would table the acceptance of the Minutes of the May 8, 2007 meeting as they are not completed yet..

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#### CONTINUATION OF PUBLIC HEARING:

Petition of Cioffoletti Construction Co., Inc. 18 Plumtrees Rd. (#L13122) for Change of Zone from IG-80 to RMF-10. Public hearing opened 5/9/07 – hearing must be closed by 6/13/07, then 65 – day decision period begins.

Chairman Knapp said with only six members present this evening, they would have to continue this hearing until the next meeting. He explained that because this has a negative recommendation from the Planning Commission, it needs a six-three majority vote for approval. He said the applicant was to present additional information this evening, but it would be better to wait until the next meeting when there will be more members. He then asked if there was anyone in the audience who was here for this matter and there was no response. Mr. Johnston made a motion to continue this matter until the next regular meeting. Mr. Melillo seconded the motion and it was passed unanimously.

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#### PUBLIC HEARINGS:

7:30 PM – Petition of Louis Sproviero to Amend Sec. 5.D.2.a. of the Zoning Regulations (Add Laundromat as permitted use in CL-10 Zone).

Mr. Farah read the legal notice. Chairman Knapp read the Planning Department Staff Report. Mr. Melillo read Planning Commission recommendation which was positive.

Attorney Paul Jaber spoke in favor of this. He said the applicant is the contract purchaser of 64 West St. which is the former unemployment office. Laundromats are his family's business; they have approximately seventeen in CT and Southern MA. He added that all of them are high standard operations and have attendants on the premises. Attorney Jaber said they determined this would be an appropriate use for this zone by looking at where the others are located in Danbury. He added that they reviewed the Planning studies used to prepare the Plan of Conservation & Development and they felt it conformed with that also. There were no questions from the Commission members.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously. Mr. Farah made a motion to move this to Old Business. Mr. Melillo seconded the motion and it was passed unanimously.

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7:40 PM – Petition of Paul Fernandes to Amend Sec. 5.F.2.a. & 5.F.4.a. of the Zoning Regulations.  
(Add Laundromat to C-CBD Zone)

Mr. Farah read the legal notice. Chairman Knapp read the Planning Department Staff Report. Mr. Melillo read Planning Commission recommendation which was positive.

Attorney Michael Kaufman spoke in favor of this petition. He said basically this is the same scenario as the previous petition. The applicant owns a building in the downtown district that he has recently renovated. His family has businesses located within this building but there is some vacant space. He noticed that although there are many apartments in the downtown, there are no Laundromats, so there must be a need for one. Many of the residents of the downtown don't drive, so it would be advantageous to have one within walking distance. Attorney Kaufman said he didn't have much to add since Attorney Jaber really said everything but he offered to answer questions. There were no questions from the Commission members.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously. Mr. Farah made a motion to move this to Old Business. Mr. Melillo seconded the motion and it was passed unanimously.

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Chairman Knapp asked for a motion to move the Old Business to before the petitions scheduled for 7:50 and 8:00. Mr. Melillo made the motion to do this. Mr. Johnston seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Louis Sproviero to Amend Sec. 5.D.2.a. of the Zoning Regulations (Add Laundromat as permitted use in CL-10 Zone).

Chairman Knapp said they had just heard this and closed the hearing. He asked for discussion or a motion. Mr. Johnston made a motion to approve this petition for the following reasons:

- They received a positive recommendation from the Planning Commission, this will be beneficial to the heavily concentrated residential areas which abut this zone, this is an appropriate use for the commercial setting, and it is in compliance with the POCD.

Mr. Melillo seconded the motion. Chairman Knapp asked if there were any comments and there were none. He then called a roll call vote and the motion to approve was passed unanimously with six AYES.

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Petition of Paul Fernandes to Amend Sec. 5.F.2.a. & 5.F.4.a. of the Zoning Regulations. (Add Laundromat to C-CBD Zone)

Chairman Knapp said they had just heard this and closed the hearing. He asked for discussion or a motion. Mr. Melillo made a motion to approve this petition for the following reasons:

- They received a positive recommendation from the Planning Commission, there is a need for this service to be available in the downtown, it is consistent with other uses permitted in the zone and it is in compliance with the POCD.

Mr. Farah seconded the motion. Chairman Knapp asked if there were any comments and there were none. He then called a roll call vote and the motion to approve was passed unanimously with six AYES.

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PUBLIC HEARINGS:

7:50 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.E. & 5.D.3. of the Zoning Regulations. (Amend Definitions, Special Exception Uses and CL-10 Zone).

Mr. Farah read the legal notice. Chairman Knapp read the Planning Commission recommendation which was positive.

Dennis Elpern then explained the proposed changes. He said we are adding a definition of 'drive-through use,' which is identified in the Regulations but not defined. Also we are amending the definitions for "access way" and "flag lot" to correspond with the definitions in the Subdivision Regulations. He said the changes to Sec. 3.E.2. will add clarity by specifying that a permitted use becomes a special exception use whenever the total ADT generated by all uses on a lot exceed 500 vehicle trips per day; and add design standards and provide for public hearings for all proposed drive-through uses. He said the change to Sec. 5.D.3. will prohibit access to restaurants

and retail stores by drive-ins in the CL-10 zone in order to limit traffic congestion. There were no questions from the Commission.

Ray Asmar then came forward and asked if these changes had anything to do with 25 Mill Plain Rd. Chairman Knapp and Mr. Elpern said they did not. Mr. Asmar said he had misunderstood what this was about but thought the Dept. was doing a good job.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to item three under the Old Business on tonight's agenda. Mr. Farah seconded the motion and it was passed unanimously.

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8:00 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.F.3., 8.A., 9.B.1., 10.B.1. & 10.D. of the Zoning Regulations. (Amend Definitions, Excavations, Erosion & Sedimentation Controls, Non-conforming Lots, Zoning Permits & Site Plan Review)

Mr. Farah read the legal notice. Chairman Knapp read the Planning Commission recommendation which was positive.

Mr. Elpern said these changes will greatly help both the Planning Dept. and the Planning Commission in their reviews. He explained that there are many City Departments involved in site plan review and it is a fairly complicated process. He referred to the "errata" which is to be considered with the amendments. He then listed the various people who have already reviewed and contributed to this petition: the Mayor, Corporation Counsel, the Engineering Dept., the Fire Marshal, the Building Inspector, the Zoning Enforcement Officer, and more. He said changes were necessary to the section on zoning permits. He explained that the Commissions do not get involved with permitting, but the ZEO deals with all of this stuff. He reviewed the definition changes saying the same terms had also been changed in the Subdivision Regulations so that the definitions in both documents are consistent. Mr. Elpern said there is no real change to the section on non-conformities; he just tried to make it readable and simplify it as it has always been confusing. He said they added a definition of mining and quarrying because we are going to prohibit it, so the petition proposes to eliminate the entire section on mining with some of the components being moved to the section on grading. Sharon Calitro then came forward and explained these changes. She said these are much more specific and provide requirements for the issuance of permits. Mr. Elpern then said much of what is being added is already policy but was not stated in the Regulations. He explained the difference between a plot plan and site plan. He described a drainage plan which is prepared by Civil Engineer. He then spoke about Site Plan review. Everything except 1-2-3 family dwellings has to have a site plan. The bulk of them are done internally, and only the Special Exception applications go to the Planning Commission for public hearings. He again said much of this is existing practice and language clarification. He went over the section requiring the submission of all of the components at the same time. He said they will not be allowed to submit in dribs and drabs any longer. He

explained that often an Engineer will submit half of the required information for the application and then it takes us another 4-6 weeks to get the rest. The problem with doing it that way is that we are under Statutory time constraints from the day the application comes into the office. So often they have to withdraw and re-submit because the review period is running out. There are certain types of technical information that the Engineering Dept. needs in order to do their review and if it isn't submitted with the application, then we have to keep after them to get it so we can forward it to Engineering. The entire time this is going on, the clock is ticking on the amount the time we have for review. Mr. Elpern then went over the new site plan check list and pointed out the major changes. He explained that the Supplemental Documents are things that are not always required but usually every application needs a few of them. He said what we are trying to do is to avoid the situation where the other Depts. are not getting adequate information to do their review. He said we added a requirement that a landscape plan is to be prepared by a Landscape Architect, also the requirement that certification be provided that landscaping was done in accordance with approved plan. We have had the requirement that the engineer provide certification that the drainage was installed in compliance with the approved plan. He then explained the Waiver to Site Plan Requirements which is something we have always done, but it has never been in our Regulations. It is used for things that don't change the parking requirements, but still denote a change of use, and also things like tent sales. He said he revised the section on sewer and water permits, added clarification on Stormwater drainage. The section on Fire Protection is all new because we never had anything before, but this is what the Fire Marshal wants when they do their review. He said he added some language to the Traffic Impact section about the Commission being able to require improvements and clarifying that the ITE standards are to be used in preparing the traffic report. He said all of this will help the staff during administrative reviews and also make the Commission's job easier because we will have the legislation to require specific information be submitted. Chairman Knapp asked how we enforce the landscaping requirements. Mr. Elpern said it is difficult but strengthening the requirements will make it easier for the Zoning Officer. Mr. Melillo asked if the trip generation is disputed, who has the final say. Mr. Elpern said if they can provide data to support their claim, we will consider it. Mr. Elpern then explained there is a national standard that everyone uses from the Institute of Traffic Engineers (ITE), Chairman Knapp said this seems like a lot of changes. Mr. Elpern said the major change is to require an applicant to have everything prepared when they submit the application. And then the rest is basically listing the standards that all of the Depts. base their reviews on. Mr. Elpern then said as a final thought, "it is easier to stop growth than to manage it".

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Farah seconded the motion and it was passed unanimously. Mr. Farah made a motion to move this to Old Business. Mr. Johnston seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.E. & 5.D.3. of the Zoning Regulations. (Amend Definitions, Special Exception Uses and CL-10 Zone).

Chairman Knapp said they had just heard this and closed the hearing. He asked for discussion or a motion. Mr. Melillo made a motion to approve this petition for the following reasons:

- It is a good thing to add the definition of drive-through since it is a common use, and the additional language will provide design standards for this use. Additionally, requiring a public hearing for them and prohibiting them in the CL-10 zone will protect the citizens of Danbury.

Mr. Farah seconded the motion and it was passed unanimously by roll call vote (6-0).

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Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.F.3., 8.A., 9.B.1., 10.B.1. & 10.D. of the Zoning Regulations. (Amend Definitions, Excavations, Erosion & Sedimentation Controls, Non-conforming Lots, Zoning Permits & Site Plan Review)

Chairman Knapp said they had just heard this and closed the hearing. He asked for discussion or a motion. Mr. Melillo asked Mrs. Buzaid if she is comfortable voting on the petition this evening and she said she would like more time. Chairman Knapp pointed out that they were given this petition in advance of this meeting so they would have time to review it and be prepared to discuss it this evening. The secretary pointed out that it has become increasingly difficult to get the members to come in and listen to the tapes when they miss the public hearings, so if they don't vote tonight, there is no guarantee there will be anymore members eligible to vote at the next meeting. Mr. Elpern said he would rather they vote this evening as these changes will help the Dept. in their administrative reviews as well as expedite the process for the Planning Commission. Mrs. Buzaid said that did make sense and they should vote this evening. Mr. Melillo then made a motion to approve this petition as amended by Mr. Elpern for the following reasons:

- These amendments will prevent land use conflicts, establish standards and clarify language, improve the permit process, and facilitate site plan reviews. Additionally they will remedy many of the issues that both the Dept. and the Planning Commission constantly have to deal with.

Mr. Farah seconded the motion and it was passed unanimously by roll call vote (6-0).

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NEW BUSINESS:

Petition of A & S Properties Inc. to Amend Secs 2.B. & 5.E. of the Zoning Regulations. (Add "Mixed Use Building" to the CN-5 Zone as Special Exception) *Public hearing scheduled for June 12, 2007.*

Petition of HS Eagle Rd. Assoc, LLC d/b/a Houlihan's, 3 Eagle Rd. (#L11021) for Special Permit for Restaurant Liquor License. *Public hearing scheduled for June 12, 2007.*

Chairman Knapp noted that these petitions are on file in the Planning & Zoning Office.

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Chairman Knapp asked Mr. Elpern if sandwich board signs are prohibited. Mr. Elpern said they are illegal, but they keep popping up everywhere, especially on the City right-of-ways. He added that we could have a Zoning Enforcement Officer just doing illegal signs and we still wouldn't be able to keep up with them.

Chairman Knapp then said there was nothing under Other Matters or Correspondence and under For Reference Only was listed a public hearing scheduled for June 12, 2007.

At 9:45 PM, Mr. Johnston made a motion to adjourn. Mr. Melillo seconded the motion and it was passed unanimously.